

REMARKS

Claims 1-19 are currently pending.

Claims 1-13 are rejected under 35 U.S.C. §101 on the grounds that the claims are directed to non-statutory subject matter, specifically, directed towards a data structure.

Claims 1-3 and 5-19 are rejected under 35 U.S.C. §102(b) as being anticipated by May, et al. (5,544,354).

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over May, et al. in view of Swix, et al. (6,718,551 B1).

Claims 1 and 11 have been amended.

Claim Rejections – 35 U.S.C. §101

Turning to the first rejection, although applicants disagree with the Examiner that the claims cite solely to a data structure, the claims (*e.g.*, claims 1 and 11) have been amended to recite structure including a memory, processor and display on which the method is practiced.

Claim Rejections - §102

Turning to the next grounds of rejection, claims 1-3 and 5-19 are rejected as being anticipated by the May '354 patent. Applicants' reading of the patent suggests that the user interface presents logic 'OR' media content (satisfying any one of the top-level categories selected by the user) rather than logic 'AND' (satisfying ALL of the top-level categories selected). May '354 refers to the top-level categories instead as a "top level matrix" where a user may navigate to a particular cell (see, *e.g.*, FIG. 9). Col. 18, lines 18-39 appear to show that duplicates – that is, media content that appear in multiple categories such as "HBO Specials" and "Sci-Fi" – are eliminated so that viewer would have no record or indicator that particular content satisfies both categories selected.

Column 18, lines 27-32, explicitly describes combining all contents below a given level, and eliminating duplicates. May, et al. describes a visual interface for searching a hierarchical tree containing movie and other information. The May system is based upon selection of a single item at each level of the hierarchy – not two or more as in pending claim 14 – then displaying the contents of all elements below the level of the selected item. Column 17, lines 39-45 in reference to FIG. 5 explicitly describes the selection of a single cell and acting upon the elements related to that cell. This is in contrast with the present invention as claimed, which examines the contents of each category, and eliminates ALL EXCEPT duplicates (that is,

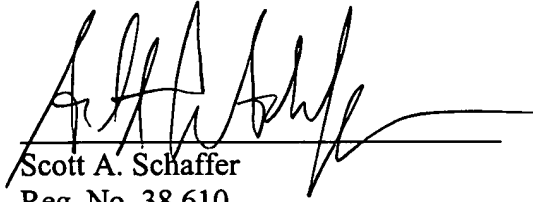
perform an AND operation). That is, the present method describes the selection of two or more top-level elements, following which a search is made.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-19 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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